

**HARVARD PLANNING BOARD  
MEETING MINUTES  
January 8<sup>th</sup>, 2024  
APPROVED JANUARY 22, 2024**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings, Richard Abt (associate member),

**Others Present:**

Frank O'Connor (Town Planner), Dan Wolfe, Erin McBee, John McDonald, Rich Malore, Lou Russo

**Public Hearings:**

**7:15pm Continuation of Public Hearing 184 Ayer Road Request for approval of Site Plan Review with a Special Permit at 184 Ayer Road by CS Bailey Landscape, Inc. or other relief as appropriate under M.G.L Chapter 40A, and the "Code of the Town of Harvard" as amended, in the Protective Bylaw Chapter 125-38 and 125-13(T) and Erosion Control Major permit §125-58E**

\*Full details on Page 4\*

**7:30pm Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multi-family overlay district. Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.**

\*Full details on Page 5 and Page 6\*

**Old Business:**

**2026 Master Planning steering committee & funding request**

Richard Cabelus started the conversation by asking for any thoughts about how the Planning Board would like to proceed on this. Doug Thornton believes that there is going to be a lot of different areas the Planning Board will have to address in the Master Plan, noting that it will be both previously unaddressed goals as well as future goals that the Town will be discussing/coming up with. Stacia Donahue noted that the new Hazard Mitigation Plan will also have to be addressed in this plan. The Board also took some time to discuss the Steering Committee and some potential candidates that could be a positive addition while also being capable of reaching out to all the various town boards in order to have a complete Master Plan.

**New Business:**

**Retroactive Application of John & Cathy McDonald, 20 Pinnacle Road, requesting approval of Erosion Control Major Permit §125-58E(3)(b)(2) for land-disturbance exceeding an area of 5,000 square feet, or more than 20% of a parcel or lot.**

Dan Wolfe started with a brief narrative on behalf of the property owners. The property is heavily wooded and this has caused a large amount of mold and mildew around the property. The owners have been in contact with a professional tree cutter to address this while also talking to an excavation contractor with plans to add a garage to the property. While sharing the plans for the proposed garage, Dan Wolfe mentioned that there was a miscommunication with the tree cutter. This resulted in more trees being cleared than was planned/expected. Dan Wolfe also mentioned that the property also has a low area that contains potential erosion, and due to this, there is a plan in place to assure that there isn't any major runoff onto the neighbor's property that could occur during more extreme rainstorms.

Dan Wolfe read the memo from the Conservation Agent, Liz Allard, listing the conditions the Planning Board should require if the erosion permit is approved by the Board. Frank O'Connor shared his screen to show this memo to the Board while Dan Wolfe verbally delivered these suggested requirements.

**Comments/Questions/Concerns**

- John McCormack asked why this application would be considered a major erosion permit if the runoff would only disturb around 40ft.  
Dan Wolfe clarified that this was needed due to the clearing work already done on the property and the new efforts that will be needed to restore specific areas.
- Stacia Donahue asked if any work has started on the new garage  
Dan Wolfe assured the Board that this has not happened and the owners are planning on completing the erosion control plan first before moving forward to the garage's plans.
- The Board considered finding new ways to educate the public of the new bylaws and the requirements needed to be in compliance with the Town.

Motion: Stacia Donahue made the motion to approve the Major Erosion Control Permit with the provisions listed by the Town Conservation Agent.

Seconded by Arielle Jennings

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

**Standard Business:**

**• Community Matters**

Stacia Donahue updated the Board that the town shuttle is averaging one rider per-day and noted that getting parking would greatly help getting riders. Frank O'Connor updated that he has not received any affirmative responses from groups willing to allow parking.

John McCormack communicated to the Board of a potential rezoning of Vicksburg Square that the Framework Committee may move forward with.

**Invoice:**

Motion: Stacia Donahue made the motion to approve the Harvard Press invoice for \$168.00.

Seconded by John McCormack

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

**Adjournment:**

Motion: Stacia Donahue made the motion to adjourn the meeting at 10:07pm.

Seconded by Doug Thornton

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

**Harvard Planning Board**

**Special Public Hearing Minutes**

**January 8<sup>th</sup>, 2024: Meeting called to order at 7:15pm (Officially opened at 7:36)**

**184 Ayer Road by CS Bailey Landscape, Inc.**

**Continuation of Public Hearing 184 Ayer Road Request for approval of Site Plan Review with a Special Permit or other relief as appropriate under M.G.L Chapter 40A, and the “Code of the Town of Harvard” as amended, in the Protective Bylaw Chapter 125-38 and 125-13(T) and Erosion Control Major permit §125-58E**

The applicant has requested a continuance for January 22<sup>nd</sup> 2024.

Motion: Stacia Donahue made the motion to continue the Special Public Hearing for January 22<sup>nd</sup> 2024 at 7:15pm.

Seconded by Doug Thornton

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

## Harvard Planning Board

### Special Public Hearing Minutes

January 8<sup>th</sup>, 2024: Meeting called to order at 7:30pm (Officially opened at 7:36)

#### Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district

**Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multi-family overlay district.**

Frank O'Connor informed the Planning Board will only have two more meetings until the Spring Town Meeting (taking place on the first Saturday of April). *The Planning Board discussed the timeline, and it was determined that the bylaw and overlay determination needed to be submitted to the Select Board no later than Tuesday, 18 February. This may require an additional meeting on January 29, but the Planning Board intends to meet the schedule. If the package is not ready, then we will delay until fall rather than submit a flawed proposal.* Erin McBee and Rich Malore commented that doing so early during this Town Meeting could springboard the Planning Board in the right direction for what the Town of Harvard truly wants. The Planning Board will try its best to have their plan ready for the Town Meeting, and will plan to possibly hold an extra Planning Board meeting if it is needed in order to make sure the all plans are fully ready to be presented to the Town.

The Planning Board started their discussion on what the best way proceed during meetings would be. Their options would be to focus on either the language or to focus on the potential parcels. The Board believes having John McCormack work with Frank O'Connor and Vittoria Konstantinidis on the language outside of meetings would be the best course of action. Frank O'Connor shared his screen to update the Board on the public survey given to the Town. The current amount of responses in now close to 600, but the overall preferences have not changed since the previous Planning Board meeting. The Board is concerned that the preferred options in the survey are zoned as agricultural and this would contradict the majority of the town's wish to remain a more heavily agricultural town.

#### **Viability:**

Arielle Jennings suggested focusing on viability at the moment for each parcel to make sure they are only considering options that will completely work.

#### ***Craftsman Village Parcel***

Stacia Donahue shared her screen to show the Craftsman Village parcel. Arielle Jennings does not believe that the Board should be pursuing this parcel due to its current lack of viability to successfully meet the Town's goals. Stacia Donahue pointed out that due to the unique placement of the parcel and the additional conservation space, she believes this in not as tight of an area for development that it seems and would not be disingenuous of the Planning Board to focus on for future development. Frank O'Connor added that he expects that these parcels will one day be built on due to their overall viability to those wishing to do so.

Stacia Donahue asked if the Craftsman Village parcel would need a traffic study and if the Planning Board would be able to require this in any potential developments on the parcel. John

McCormack looked up and found that a site plan review would require the potential developer to perform a traffic study.

***The Route 2 Parcel by Ayer Road***

Frank O'Connor shared his screen to show the three parcels on Route 2 by Ayer Road. Arielle Jennings noted that the owner of this property is interested in building on this property and that this parcel has a little more space for the developer to work with. Frank O'Connor added that this parcel also has the added benefit of being more centralized by being in-between the two MBTA locations. Lou Russo also clarified that he does not own all the parcels under consideration, but would be willing to allocate some of an adjacent property's free space that is currently being developed towards the potential parcel.

***Friendly Crossways Parcel***

Frank O'Connor then switched his screen presentation to the Friendly Crossways parcel. Both of the parcels shown are owned by the same individual. Frank O'Connor mentioned that a concern had come up about the close proximity of the parcel to a local gun range. Stacia Donahue noted that this parcel would be the furthest from the MBTA stations. Stacia Donahue also noted that while this is the largest parcel for viable space, many of the residents would unfortunately frequent Boxborough rather than Harvard due to the location. Arielle Jennings added that the traffic on this road would not make this an advantageous choice. Richard Cabelus noted that this property was the least favorable of the list on the Town's online survey.

Richard Abt questioned how the three parcels were originally chosen and Stacia Donahue answered this by explaining that she and Frank O'Connor had mapped out many of the potential viable parcels throughout the Town and worked to eliminate any that did not meet the MBTA criteria. While there are only three parcels left at the moment, Stacia Donahue noted that there could potentially be more parcels in the Town of Harvard that could qualify.

Arielle Jennings believes the Planning Board should eliminate one of the parcels as soon as possible so the Planning Board can focus more on the final two as much as possible. Doug Thornton and Stacia Donahue agree with this idea. The Planning Board will plan to have each member come to the next meeting with their least favorable parcel in mind while also focusing their time on the first three pages of the bylaw's draft.

Motion: Stacia Donahue made the motion to continue the Special Public Hearing for January 22<sup>nd</sup> 2024 at 7:45pm.

Seconded by Doug Thornton

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

Motion: John McCormack made the motion to close the survey.

Seconded by Arielle Jennings

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus, Arielle Jennings

*Passed unanimously*

